IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION **NO.728 OF 2005**

N.M. Wadia Institute of Cardiology ... Petitioner

V/s.

Shri Sebastian Joseph Fernandes ... Respondent

Mr.C.U. Singh i/b M/s.Haresh Mehta & Co. for Petitioner
Mr.N.A. Kulkarni for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 28, 2005**

P.C.:

. This Petition has been filed against an interim order staying an order dated 27.12.2004 transferring the Respondent. In my view, rather than going into the issue as to whether the order is proper or not, it would be in the interest of justice to direct the Industrial Court to dispose off the complaint as expeditiously as possible and in any event, by 30.6.2005. According to the learned Counsel appearing for the Petitioner, this is an exceptional case where the High Court needs to exercise its jurisdiction under Articles 226 and 227 of the Constitution of India, even though the writ petition is filed against an interim order.

2. I see no reason to accept this submission of the learned Advocate. The Industrial Court has exercised its jurisdiction and granted the Respondent interim

relief. This exercise of discretionary jurisdiction by the Industrial Court cannot be said to be perverse. Therefore, the Petition is rejected. However, the Industrial Court is directed to dispose off the complaint by 30.6.2005.